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DATE MAILED: 10/03/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,875	04/12/2001	Timothy R. Brumleve	ADV08 675	1385
75	10/03/2002			
Duane Morris	LLP		EXAM	INER
1667 K Street, N W Suite 700			KRISHNAN, SUMATI	
Washington, DO	C 20006		ART UNIT	PAPER NUMBER
			2875	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Sumall Krishnan Summary Sumall Krishnan Sumall Krishn			Application No.	Applicant(s)				
Summit Krishnan 2875 Summit Krishnan 2875 Period for Reply	4.		09/832,875	BRUMLEVE ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time myte savalation and the provisions of 3 CFR 1.13(a). In or eart, however, may a reply be limited from the rating date of this communication. Extensions of time myte savalations during be interested to the communication of 3 CFR 1.13(a). In or eart, however, may a reply be limited from the rating date of this communication. If allowed the reply is specified body, the maximum statutory proof will apply and vill applies 2(d) (MONTH'S form the mailing date) of this communication. If allowed the reply is specified be the interem on the application to become ABANDORED (35 U.S.C. § 133). Any long increase by this Cittle date the interem on the tree mailing date of this communication. It is allowed the mailing date of this communication. If allowed the save the sapplication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1.51 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b) ○ Claim(s) is/are allowed. 6b) ○ Claim(s) is/are allowed. 7b) ○ Claim(s) is/are allowed. 7c) ○ Claim(s) is/are explicated to by the Examiner. 10) □ The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9c) □ The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 11c) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f). a) □ All b) □ Some * c) □ None of. 14 □ Acknowledgment is made of a claim for domestic pr		Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provides of 37 CR 1.13(a). In or event, however, may a reply be timely filed after \$18, (6) MONTHS from the mailing date of this communication. If the period or reply septides above is less than thing (10) days, a reply within the statubory prisimum of thiny (20) days will be considered timely. If the period or reply septide above is less than three moints (10) days, a reply within the statubory prisimum of thiny (20) days will be considered timely. Failure to reply within the set or extended part of or reply will, by statute, cause the application to become ASANDONED (39 U.S.C. § 133). Any reply received by the Oritice the than three moints after the mailing date of this communication, even if timely filed, may reduce any examine platent term adjustment. Set 37 CPR 1.704(b). Status 1) Responsive to communication(s) filled on								
1) Responsive to communication(s) filed on	THE I - External form of the control	MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day, will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	5) 🔲 Notice of Informal F					

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 09/832,875

Art Unit: 2875

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-33, drawn to method of manufacturing, classified in class 445, subclass9.
- II. Claims 34-51, drawn to mercury dispenser, classified in class 313, subclass 565.

 The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process since the discharge of mercury into the light emitting chamber does not necessitate the heating of the amalgam after the heating of certain parts of the lamp, and can be manufactured by alternative methods such as the heating of the amalgam before the heating of certain parts of the lamp.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumati Krishnan whose telephone number is 703-305-7906. The examiner can normally be reached on 8:00 am - 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

SK October 1, 2002

Sanura 6.5 **
Supervisory Patent Exammer
Technology Center 2800

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